REMARKS

Reconsideration of the Final Office Action of January 10, 2008 and entry of the above presented claim amendments are respectfully requested for the purpose of placing the application in immediate condition for allowance or in better condition for appeal.

Enclosed herewith is a one-month extension of time with requisite fee.

In the present amendment, the sole revision includes the insertion of the subject matter of dependent claim 8 (8/1) into independent claim 1 (the term "controlling part" in claim 8 was changed to "controlling unit" in order to have the wording of prior 1 and 8 better coincide). In other words, claim 1 has been rewritten to include the subject matter of the canceled claim 8. Thus, current claim 1 reads in the same manner as former claim 8.

In the Office Action independent claim 10 and former claim 8 (new independent claim 1) were rejected under the prior art as being considered anticipated by JP 2001-144019 under 35 U.S.C. 102(b). As JP '019 is respectfully submitted not to disclose or suggest each and every feature of independent claims 1 and 10. Withdrawal of the rejection is respectfully requested.

Under the present application the terminology "speed of the film-forming process" refers to the time it takes to process a batch. As described in the background of the present application, the prior art (such as JP 2001-144019) changes the speed of the film-forming process to match with the number of substrates being treated. In the present application, the Applicants, however, have taken an alternate approach wherein, rather than adjusting the speed of the film-forming process to correspond with the different number of substrates present in each batch, the speed of the film-forming process is made uniform among a plurality of batch-processes in which the numbers of substrates to be processed are different from each other. Thus the present invention goes in a different direction than the prior art as represented by JP 2001-144019 and thus loses the benefits of corresponding the speed of processing with the current number of substrates to be treated (which can provide for faster processing times for smaller batches relative to larger batches). For instance, JP 2001-144019 discloses a system which provides for processing smaller batches as a faster rate than larger batches and thus is a system different than the current system wherein there is a uniform processing time for both small and large batches.

For example, reference is made to paragraph 27 of the Japanese Patent Office (JPO) computer generated translation (presumed to correspond with that referenced by the Examiner in the Final Office Action) for the JP '019 reference, which states:

> "To drawing 6, each desired value of a heating rate, temperature a pressure, and a gas mass flow is indicated about one batch size in the desired value of the processing parameter it is better to change with batch size, and this example. The desired value of such a processing parameter is stored as a parameter table for every batch size, and the data (desired value group of a processing parameter) corresponding to the batch size information inputted from the batch size input part 71 shown in drawing 2 is copied to the memory 6 (the 2nd storage parts store).

This distinction was also noted in the IPER as when it was indicated that JP '019 processed the objects in a manner wherein "control is performed according to the actual number of embedded wafers".

Based on these understandings, a review of the machine English translation of JP 2001-144019 reveals that while the JP '019 reference discusses varying speed it does so in the context of varying the process speed based on batch size and does not disclose or suggest that the batch-to-batch process speed is uniform despite batch size changes. In fact, the JP '019 document can be said to disclose just the opposite of having a system like the present application wherein the film-forming process speeds are made to be uniform from batch to batch regardless of the number of the substrates to be treated being currently held thereon.

Claims 1 and 10 each contain the above-described feature of adopting a uniform speed despite different batch sizes and despite the potential drawbacks, as in a loss of processing time when there is a small number of substrates held for current treatment which could be processed faster to obtain the desired substrate effect.

In the absence of a disclosure or suggestion in JP '019 (which reference in fact teaches away by promoting varying the speed to match the number of substrates currently held in a batch as opposed to opting for a uniform speed from batch to batch despite deviations in the number of substrates positioned for processing at that time) it can not be said JP '019 anticipates the claims in the present invention. Thus, while the referenced paragraph "6" in the computer translation referenced by the examiner may reference "speed" it is not in the sense of a uniform speed from batch to batch with a different number of substrates amongst those batches. (With the next Office

Action, it is also requested that a copy of the computer generated translation relied upon by the Examiner be provided to confirm it matches with that generated by the undersigned off the JPO website upon receipt of the Final Office Action).

In addition, each of claims 1 and 10 also reference the combination of the structure (claim 1) as in an arrangement table data as to the number of substrate and method step (claim 10) for establishing the targeted data of a flow rate parameter in accordance with a number of substrates to be processed such that there can be achieved a uniform speed in processing despite a change in number of substrates to be processed from batch-to-batch. In other words, to achieve a uniform process speed from batch-to-batch, variations in flow rate, etc. can be taken to achieve the uniform batch-to-batch process speeds, which is different from, for example, varying flow process speeds to speed up a batch processing when there is a reduced number of substrates. Again, the relied upon JP '019 fails to teach this combination of knowing the number of substrates and making appropriate adjustments such that there is a uniform processing time despite the batch differences.

As each of independent claims 1 and 10 should be in condition for allowance, it is also respectfully submitted that the dependent claims remain also should be in condition for allowance.

Also, if any fees are due in connection with the filing of the amendment, such as fees under 37 C.F.R. §§1.16 of 1.17, please charge the fees to Deposit Account 02-4300; Order No. 033082R251.

Respectfully submitted,
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